

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA

IN RE BARD IVC FILTERS PRODUCTS
LIABILITY LITIGATION

No. 2:15-MD-02641-DGC

**SECOND AMENDED MASTER
SHORT FORM COMPLAINT FOR
DAMAGES FOR INDIVIDUAL
CLAIMS AND DEMAND FOR JURY
TRIAL**

Plaintiff(s) named below, for their Complaint against Defendants named below, incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc. 364). Plaintiff(s) further show the Court as follows:

1. Plaintiff/~~Deceased Party~~
David E. Groomes Jr.
2. Spousal Plaintiff/~~Deceased Party~~ spouse or other party making loss of consortium claim:
Elizabeth Venable-Groomes
3. Other Plaintiff and capacity (i.e., administrator, executor, guardian, conservator):
4. Plaintiff's/~~Deceased Party~~ state(s) [if more than one Plaintiff] of residence at the time of implant:
New York

1 5. Plaintiff's/~~Decedent's~~ state(s) [if more than one Plaintiff] of residence
 2 at the time of injury:

3 New York

4 6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

5 New York

6 7. District Court and Division in which venue would be proper absent direct
 7 filing:

8 U.S. District Court-Western District of New York-Buffalo Division

9 8. Defendants (check Defendants against whom Complaint is made):

10 ☒ C. R. Bard Inc.

11 ☒ Bard Peripheral Vascular, Inc.

12 9. Basis of Jurisdiction:

13 ☒ Diversity of Citizenship

14 ☐ Other: _____

15 a. Other allegations of jurisdiction and venue not expressed in Master
 16 Complaint:

17 _____
 18 _____
 19 _____
 20 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making
 21 a claim (Check applicable Inferior Vena Cava Filter(s)):

22 ☐ Recovery[®] Vena Cava Filter

23 ☒ G2[®] Vena Cava Filter

24 ☐ G2[®] Express Vena Cava Filter

25 ☐ G2[®] X Vena Cava Filter

26 ☐ Eclipse[®] Vena Cava Filter

27 ☐ Meridian[®] Vena Cava Filter
 28

- 1 ☐ Denali® Vena Cava Filter
- 2 ☐ Other: _____
- 3 11. Date of Implantation as to each product:
- 4 April 2, 2008
- 5 _____
- 6 12. Counts in the Master Complaint brought by Plaintiff(s):
- 7 ☒ Count I: Strict Products Liability – Manufacturing Defect
- 8 ☒ Count II: Strict Products Liability – Information Defect (Failure
- 9 to Warn)
- 10 ☒ Count III: Strict Products Liability – Design Defect
- 11 ☒ Count IV: Negligence - Design
- 12 ☒ Count V: Negligence - Manufacture
- 13 ☒ Count VI: Negligence – Failure to Recall/Retrofit
- 14 ☒ Count VII: Negligence – Failure to Warn
- 15 ☒ Count VIII: Negligent Misrepresentation
- 16 ☒ Count IX: Negligence *Per Se*
- 17 ☒ Count X: Breach of Express Warranty
- 18 ☒ Count XI: Breach of Implied Warranty
- 19 ☒ Count XII: Fraudulent Misrepresentation
- 20 ☒ Count XIII: Fraudulent Concealment
- 21 ☒ Count XIV: Violations of Applicable New York (insert
- 22 state) Law Prohibiting Consumer Fraud and Unfair and
- 23 Deceptive Trade Practices
- 24 ☒ Count XV: Loss of Consortium
- 25 ☐ Count XVI: Wrongful Death
- 26 ☐ Count XVII: Survival
- 27 ☒ Punitive Damages
- 28

☐ Other(s): _____ (please state the facts supporting this Count in the space immediately below)

13. Jury Trial demanded for all issues so triable?

☒ Yes

☐ No

RESPECTFULLY SUBMITTED this 21st day of September, 2018.

CELLINO & BARNES, P.C.

By: /s/ Brian A. Goldstein
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I hereby certify that on this 21st day of September, 2018, I electronically transmitted the attached document to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing.

/s/ Brian A. Goldstein